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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/780,534

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Toshiharu Koshino

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7590

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AKIN GUMP STRAUSS HAUER & FELD L.L.P.
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2005 MARKET STREET, SUITE 2200
PHILADELPHIA, PA 19103

EXAMINER

NGUYEN, HUY THANH

ART UNIT

PAPER NUMBER

2616

DATE MAILED: 03/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/780,534

Applicant(s)

KOSHINO ET AL.

Examiner

HUY T. NGUYEN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-6 and 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Takahashi (JP 11-144392).

Regarding claim 1, Takahashi discloses a data recording device (Figs. 3,7,9-10) comprising:

an interface part for receiving digital data;

a disc (10) which can record said digital data ;

a block generation part (36) for identifying data blocks in the frame unit from among said received digital data and for generating, at least, the first audio block and the second audio block from among said data blocks; and

a data recording and reproduction control part for controlling said first audio block and said second audio block to be recorded respectively from the leading address (track

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number or address from a lead in area of a recording segment formed on said disc

(Abstract , sections 006-0013, 0029,0033, English translation , Figs. 9-12).

Regarding claim 2 , Takahashi teaches data recording device characterized by comprising: an interface part for receiving digital data;
a disc which can record said digital data;
a block generation part for identifying data blocks in the frame unit from among said received digital data and for generating, at least, a first video block and a second video block from among said data blocks; and
a data recording and reproduction control part for controlling said first video block and said second video block to be recorded respectively from the leading address of a recording segment formed on said disc (Figs. 9-12 Abstract , sections 006-0013,0029-0033)

Regarding claim 3, Takahashi further teach a data recording device according to Claims 1 or 2 characterized in that said block generation part determines data among said data blocks forming, at least, one block among data among said data blocks forming, at least, one block among said first audio block, said second audio block, said first video block or said second video block in accordance with a signal format.(Figs 7,9-12).

Regarding claim 4, Takahashi discloses a data recording device ,Figs 7,9-12, characterized by comprising: an interface part for receiving digital data;
a disc which can record said digital data;

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a block generation part which identifies data blocks in the frame unit from among said received digital data, generates, at least, a first audio block and a second audio block from among said data blocks and generates a first multi-audio block comprising plural said first audio blocks and a second multi-audio block comprising plural said second audio blocks; and

a data recording and reproduction control part for controlling said first multi-audio blocks and said second multi-audio blocks to be recorded respectively from the leading address of a recording segment formed on the disc (Figs 7,9-12, sections 0006 –0013, 0029, 0033, English translation).

Regarding claim 5, Takahashi further teaches a data recording device according to Claim 4 characterized in that said first multi-audio block and said second multi-audio block are formed of audio blocks for 16 frames respectively (section 007, N frames).

Regarding claim 6, Takahashi further teaches medium is a hard disc (section 0067)

Method claims 8-10 correspond to apparatus claims 1-4. Therefore method 8-10 are rejected by the same reason as applied to apparatus claims 1-4 .

3. Claims 1 –5 and 7-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Gushima et al (5506825).

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Regarding claim 1, Gushima discloses a data recording device (Figs 3, 6-9, column 11-12) characterized by comprising:

- an interface part for receiving digital data (Fig. 6) ;

- a disc (1) which can record said digital data ;

- a block generation part (19) for identifying data blocks in the frame unit from among said received digital data and for generating, at least, the first audio block and the second audio block from among said data blocks; and

- a data recording and reproduction control part (17,12,25) for controlling said first audio block and said second audio block to be recorded respectively from the leading address (track number or address from a lead in area of a recording segment formed on said disc (Figs. 3,22-23).

Regarding claim 2 , Gushima teaches data recording device (Figs 3, 6-9, column 11-12) characterized by comprising: an interface part for receiving digital data;

- a disc which can record said digital data;

- a block generation part for identifying data blocks in the frame unit from among said received digital data and for generating, at least, a first video block and a second video block from among said data blocks; and

- a data recording and reproduction control part for controlling said first video block and said second video block to be recorded respectively from the leading address of a recording segment formed on said disc (Figs. 3, 22-23, column 5, lines 40-50, column 18)..

Regarding claim 3, Gushima further teaches the data recording device according to Claims 1 or 2 characterized in that said block generation part determines data among said data blocks forming, at least, one block among data among said data blocks forming, at least, one block among said first audio block, said second audio block, said first video block or said second video block in accordance with a signal format.(Figs 7,9-12).

Regarding claim 4, Gushima discloses a data recording device characterized by comprising: an interface part for receiving digital data; a disc which can record said digital data; a block generation part which identifies data blocks in the frame unit from among said received digital data, generates, at least, a first audio block and a second audio block from among said data blocks and generates a first multi-audio block comprising plural said first audio blocks and a second multi-audio block comprising plural said second audio blocks; and a data recording and reproduction control part for controlling said first multi-audio blocks and said second multi-audio blocks to be recorded respectively from the leading address of a recording segment formed on the disc (Figs. 3, 6-9, 22-23, column 5, lines 40-50, column 18).

Regarding claim 5, Gushima further teaches the data recording device according to Claim 4 characterized in that said first multi-audio block and said second

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multi-audio block are formed of audio blocks for 16 frames respectively since the video and audio are formed by N frame .

Regarding claim 7, Gushima further teaches the digital data are digital data of a DV format which include the audio signals of plural channels and in that said first audio block and said second audio block comprise a pair of stereo audio signals respectively (multi audio channels , column 9, lines 30-60)).

Method claims 8-11 correspond to apparatus claims 1-4 and 6 . Therefore method 8-10 are rejected by the same reason as applied to apparatus claims 1-4 .

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

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consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 7 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi (JP 11-144392) in view of Fujinami et al (5,940,351).

Regarding claims 6 and 11, Takahashi fails to teach the audio signal blocks comprising stereo audio signal blocks.

Fujinami teaches generating audio signals of stereo audio signal into audio blocks (column 5, line 60 to column 6, line 5). It would have been obvious to one of ordinary skill in the art to modify Takahashi with Fujinami by using stereo audio signal generating means as taught by Fujinami with the apparatus of Takahashi for receiving stereo audio signals and generating the stereo audio signal blocks thereby provide more interesting to the user when hearing the audio signal.

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gushima (5506825) in view of Iwasaki et al (5,684,784).

Gushima fails to teach that the medium is a hard disc. Iwasaki teaches using a hard disc (column 7, lines 45-50).

It would have been obvious to one of ordinary skill in the art to modify Gushima with Iwasaki by using a hard disc as an alternative to the medium of Gushima for recording audio and video blocks.

Response to Arguments

7. Applicant's arguments filed 23 December 2005 have been fully considered but they are not persuasive.

Applicant argues that " Each of the independent claims recites, in part, that audio blocks or video blocks are recorded respectively from a leading address of a recording segment. An exemplary embodiment of this limitation is shown in Fig. 8, as follows:

recording segment = DV data recording region, multi-A1 data recording region, multi-A2 data recording region

video block = DVO, DV 1

audio block = A 1(0)-A 1(15), A2(0)-A2(15)

leading address of recording segment = first address of DVO immediately following the end of the preceding dummy data, first address of DV 1 immediately following the end of the preceding

dummy data, first address of A1 (0) immediately following the end of the preceding dummy data, first address of A2(0) immediately following the end of the preceding dummy data."

In response, it is noted that applicant's argument does not reflect the claims. It is noted that nowhere claims do they recite that leading address of recording segment = first address of DVO immediately following the end of the preceding dummy data, first address of DV 1 immediately following the end of the preceding

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dummy data, first address of A1 (0) immediately following the end of the preceding dummy data, first address of A2(0) immediately following the end of the preceding dummy data.

In Remarks, Applicant argues that "Applicants have carefully reviewed the portions of Takashi highlighted by the Examiner and all remaining portions of Takashi, and cannot locate any discussion of recording segments or leading_ addresses of recording segments, both of which are well known terms in the art. All that Takashi shows is how to arrange a string unit blocks (each unit block being generated from an audio data block and a video data block) on a recording medium, namely, in a manner such that the order of the audio data block and the video data block alternate with each successive unit block. While a leading address might exist in Takashi's recording device, the relationship between such a leading address and the audio or video blocks is not disclosed, and thus the claimed invention cannot be anticipated or suggested by Takashi. "

In response ,it is noted that Takahashi teach a recording segment that comprises audio blocks and or video blocks . The audio block or video bock is recorded from a leading address since the audio block or video bloc is recorded in an order to be normally reproduced , Takahashi further teaches that the audio bock or video bock of a recording segment (recording track) is recorded from a leading address since each of audio bock and/or video bock having an address and used as a play back location

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of a optical disc to reproduce the recorded an audio bock and/or a video bock on a track of the optical disc (Sections 0029, 0033).

In Remarks, Applicant argues that the only mention of addresses at all in Gushima is address area ADR shown in Figs. 3a-3d which is sector identifying address data. In Gushima, the spiral or concentric tracks each have at least one sector which has an address area having recorded therein address information identifying the sector and an audio signal recording area for recording therein an audio signal, and a video signal recording area for recording therein a video signal. No leading address of a recording segment is identified anywhere in Figs. 3a-3d or anywhere else in Gushima. While a leading address might exist in Gushima's recording device, the relationship between such a leading address and the audio or video blocks is not disclosed, and thus the claimed invention cannot be anticipated or suggested by Gushima. Gushima thus fails to disclose or suggest at least the last element in each of the independent claims independent claims 1, 2, 4, 8, 9 and 10. These claims are thus patentable over Gushima. None of the remaining applied references make up for the above-noted deficiencies in Gushima."

In response , the examine disagrees It is noted that Gushima teaches that each segment on which the audio block and or video block is recorded having address area the address in the address area considered as leading address since audio block and video bock is recorded after the address area. . Further, it is noted that the claims also does not recite any relationship between the audio block and or video block with the leading address .

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T. NGUYEN whose telephone number is (571) 272-7378. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on (571) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

H.N


HUY NGUYEN
PRIMARY EXAMINER